

4845 Pearl East Circle Sulte 300 Boulder, CO 80301 (720) 931-3000, Fax (720) 931-3001

Direct Dial Number:

2345 Grand Boulevard, Sulte 2800 Kansas City, MO 64108-2612 (816) 292-2000, Fax (816) 292-2001

10851 Mastin Blvd. Building 82, Suite 1000 Overland Park, KS 66210-1669 (913) 451-5100, Fax (913) 451-0875

1010 Market Street Suite 1300 St. Louis, MO 63101-2000 (314) 613-2500, Fax (314) 613-2550 www.lathroogage.com

314 East High Street Jefferson City, MO 65101 (573) 893-4336, Fax (573) 893-5398

1845 S. National Springfield, MO 65808-4288 (417) 886-2000, Fax (417) 886-9126

1200 G Street, N.W. Suite 800 Washington, D.C. 20005 (202) 434-8984, Fax (202) 434-8992

April 22, 2004

From: Heather Balley for Dan Cleveland, Jr.

Matter No.: 399757

То:	Company:	Fax Number:	Phone Number:			
Examiner Metameyer	United States Patent and Trademark Office	(571) 273-1089				

Number of Pages Transmitted (Including this cover sheet): 6

## Message:

Transmittal Form (1 page);

- 2. Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application (1 page)
- 3. Fee Transmittal in duplicate for fee processing (2 pages)
- 4. Certificate of Transmission (1 page), and
- 5. Facsimile cover sheet (1 page)

If you have a problem receiving this facsimile, please call: (720) 931-3000

Fax Attendant:

## CONFIDENTIALITY NOTE:

The information in this facsimile message ("fax") is sent by an attorney or his/her agent, is intended to be confidential and for the use of only the individual or entity named above. The information may be protected by attorney/client privilege, work product immunity or other legal rules. If the reader of this message is not the intended recipient, you are notified that retention, dissemination, distribution or copying of this fax is strictly prohibited. If you receive this fax in error, please notify us immediately by telephone and return it to the address above. Thank you.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE O	Atty Docket No.			
Applicant(s): Shubl	hen Kapila		399757	
Serial No.	Filing Date	Examiner	Group Art Unit	
10/081,319	February 21, 2002	Lovering, Richard D.	1712	
Title: THERMOKE	RATOPLASTY SYSTEMS			
Date of Tra	nsmittal: <u>April 22, 2004</u>			
I hereby cer	tify that the following documen	its:		
1.	Transmittal Form (1 page);			
2.	Terminal Disclaimer to Ob	viate a Provisional I	Double Patenting	
	Rejection Over a Pending Seco Fee Transmittal in duplicate fo	ond Application (1 page)	) )	
3. 4.	this Certificate of Transmission	n (1 nace) and	,3)	
5.	Facsimile cover sheet (1 page)			
are being transmitt	ted via facsimile number (571)	273-1089 to Examine	Metameyer,	
	Patents, P.O. Box 1450, Alexan	dria, VA 22313- 143	o, on the date indicated	
above.				
ł		, Heathe	er Bailey	
		Name of De	positor/Transmitter	
		ta M	Ru W	
		Signature of I	Depositor/Transmitter	
		, , , , , , , , , , , , , , , , , , ,		

PTC/SB/21 (08-03)
Approved for use through 07/31/2005. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

		Application Number	10/081,319			
TRANSMITTAL		Filing Date	February 21, 2002			
FORM		First Named Inventor	Kapila, Shubhen			
(to be used for all correspondence after initial	filing)	Art Unit	1712			
		Examiner Name	Lovering, Richard D.			
Total Number of Pages in This Submission	6	Attorney Docket Number	399757			
	ENÇLO	SURES (check all that apply)				
Fee Transmittal Form	Drawln	og(s)	After Allowance Communication to Group			
Fee Attached	Licens	ing-related Papers	Appeal Communication to Board of Appeals and interferences			
Amendment / Reply	Petitio	n	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)			
After Final		n to Convert to a ional Application	Proprietary Information			
Affidavits/declaration(s)		of Attorney, Revocation ge of Correspondence Address	Status Letter			
Extension of Time Request	🔀 Termir	nal Disclaimer	Other Endosure(s) (please Identify below):			
Express Abandonment Request	_ :	est for Refund	-Certificate of Transmission -Facsimile Cover Sheet			
	CD, N	umber of CD(s)				
Information Disclosure Statement			<u> </u>			
Certifled Copy of Priority  Document(s)	Remarks					
Response to Missing Parts/ Incomplete Application						
Response to Missing Parts under 37 CFR 1.52 or 1.53	i					
	TURE OF	APPLICANT, ATTORNEY, C	OR AGENT			
Firm or Dan Cleveland, Jr., R						
Individual name Signature		11				
Date Carry 7.1	7.00	u.k				
Jun 12	C	ERTIFICATE OF MAILING				
1 hereby certify that this correspondence P.O. Box 1450, Alexandria, VA 22313-14	is being fa 50 on the d	adsimile transmitted to the USPT ath showing below.	O addressed to: Commissioner for Patents,			
Typed or printed name Heather Baile		11721111142				
Signature		Ja. W	Date Date Who sublin which is no file (and by the USPTO Io.			
preparing, and submitting the completed application you require to complete this form and/or suggestion U.S. Department of Commerce, P.O. Box 1450, All Alloys and Alloys Associated Res. 1450, Alloys 1	i by 35 U.S.C. in form to the t ne for reducing exandria, VA 2 andria, VA 23	. 122 and 37 CFR 1.14. I mile collection is USPTO. Time will vary depending upon th g this burden should be sent to the Chief 22313-1450, DO NOT SEND FEES OR C	Instituted to 12 minutes to complete, including gathering, e individual case. Any comments on the amount of time information Officer, U.S. Patent and Trademark Office, MPLETED FORMS TO THIS ADDRESS, <b>SEND TO</b> :			

Signature

PTO/SB/17 (10-03)
Approved for use through 07/31/2008, OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1895, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

			Complate it Monit					
FEE TRANSMITT	Applice	Application Number 10/081,319						
for FY 2004	Filing C	Date		February 21, 2002				
101112004		First N.	amed	nventor	Shubhen Kapila			
Effective 10/01/2003. Palent fees are subject to annual	Exami	Examiner Name Lovering, Richard D.						
Applicant claims small entity status. See 3		Art Unit 1712						
TOTAL AMOUNT OF PAYMENT (\$) 110				kel No.	39975	57		
101121111111111111111111111111111111111		7 11.5			DEE C	ALCULATION (conline	red)	
METHOD OF PAYMENT (check all that appl)	/)	3 AD	DITIC	NAL FE		ECOLATION (COMMIS		
☐ Check ☐ Credit card ☐ Money ☐ Other ☐ Order	Large Entity Small Entity							
☑ Deposit Account:		Fee	Fee	Fee	Fee	Fee Descrip	ption (	fee Pald
Deposit		Code 1051	( <b>\$)</b> 130	2051	(\$) 65	Surcharge - late filing	g fee or oath	
Account 12-0600 Number		1052	50	2052	25	Surcharge - late provor cover sheet.		
Deposit		1053	130	1053	130	Non-English specific		
Account Lathrop & Gage L.C.		1812	2,520	1812	2,520	For filing a request fo		
Name The Director is authorized to: (check all that apply)		1604	920*	1804	920*	Requesting publication	ion of SIR prior to	
Charge fee(s) Indicated below  Credit any overpay  Charge any additional fee(s) during the pendency of the	hiş application	1805	1,840	1805	1,840*	Requesting publication	ion of SIR after	
Charge fee(s) indicated below, except for the filling f	90	1251	110	2251	55	Extension for reply w	vithin first month	
to the above-identified deposit account.  FEE CALCULATION		1252	420	2252	210	Extension for reply warmonth	vithin second	
		1253	950	2253	475	Extension for raply v	within third month	
1. BASIC FILING FEE Large Entity Small Entity		1254	1,480	2254	740	Extension for roply v	within fourth	
Fee Fee Fee Fee Description	Fee Paid	1255	2,010	2255	1,005	Extension for repty v	within fifth month	
Code (\$) Code (\$) 1001 770 2001 385 Utility Filing fee	14010	1401	330	2401	185	Notice of Appeal		
		1402	330	2402	165	Filing a brief in supp	ort of an appeal	
		1403	290	2403	145	Request for onal hea	aquð	
1004 770 2004 385 Relssue filing fee		1451	1,510	1451	1,510	Patition to institute a proceeding	public use	
1005 160 2005 80 Provisional 레ing fee		1452	110	2452	55	Petition to revive - L		
SUBTOTAL (1)	(\$) O	1453	1,33	2453	665	Petition to revive - t		
		1501	1,33	2501	665	Utility issue fee (or r	relacue)	
2. EXTRA CLAIM FEES FOR UTILITY AND RE		1502	480	2502	240	Design lasue fee		
Extra Fee from Claims below	r Fee Pald	1503	840	2503	320	Plant lasue fee		$\vdash$
Total Claims -20 = 0 X	= [0	1460	130	1460	130	Petitions to the Com		<u> </u>
Indonordani		1807	50	1907	60	Processing fee under Submission of Information		′⊢⊣
-9 = 0 X	- 0	1606	180	1605	160	Simit		
Mulliple X	_ = [0	8021	40	8021	40	Recording each pat per property (6mes properties)	number of	
Fee Fee Fee Fee Fee Description		1809	770	2809	385	Filing a submission (37 CFR § 1,129(a)		·
1202 18 2202 9 Claims in excess of		1810	770	2810	385	For each additional examined (37 CFR	invention to be	
1201 86 2201 43 Independent claims 1203 290 2203 145 Multiple dependent		1801	770	2801	385	Request for Continued		, —
1204 86 2204 43 Relssue indepen		1802	900		900	Request for expedited	noitenmage t	
** Reissue claims t						of a design application	#1	$\sqcup$
1205 18 2205 9 over original patent	Other	Fee (SE	ectfy) <u>Taπ</u>	ninal Dis	claimer		110	
SUBTOTAL (2) (\$) 0	*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (5) 110					10		
"or number previously paid, if greater. For Reissues, see Abo	. K80	uceu D	y Dadie Fill			1-7:		
						Comple	te (if applicable)	
SUBMITTED BY  Name (PrinVType) Dan Cleveland, Jr.	35,106 Telephone (720) 931-3000			720) 931-3000				

Warring: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting completed application form to the USPTO. Time will very depending upon the Individual case. Any comments on the amount of time you require into complete into the first information officer, U.S. Pelent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

PTC/68/47 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Palent and Trademerk Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1985, no persons are required to respond to a collection of Information unless it displays a valid QMB control number.

	Complete If Known					
FEE TRANSMITTAL	Application Number 10/081,319					
for FY 2004	Filing Date	February 21, 2002				
	First Named Inventor	Shubhen Kapila				
Effective 10/01/2003. Patent fees are subject to annual revision.	Examiner Name	Lovering, Richard D.				
Applicant claims small entity status. See 37 CFR 1.27	Art Unit	1712				
TOTAL AMOUNT OF PAYMENT (5) 110	Attorney Docket No.	399757				

TOTAL AMOUNT OF PAYMENT (5) 110								Attorney Docket No.			399757			
METHOD OF PAYMENT (chack all that apply)								FEE CALCULATION (continued)						
						3. ADDITIONAL FEES								
☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None Order  ☑ Deposit Account:						<u>Lame</u>	Large Englist Small English							
		l:					F49 Code	Fac (\$)	Fee Code	Foe (\$)	Fee Desc	ription	Fee Pald	
Deposi		12-0600					1051	130	2051	65	Surcharge - late Mi	ng fee or cath		
Numbe		12-0000					1052	50	2052	25	Surcharge - late pri or cover sheet.	eet gniift tanolatyo		
Deposi	tı f						1053	130	1053	130	Non-English specif	ication		
Accou		Lathrop	& Gage	L.Ċ.		ļ	1812	2.520	1812	2,520	For filing a request	for reexamination		
Name	l				4 -6-1		1804	920*	1804	920*	Requesting publication			
The Direc	fee(s) in	dicated	waled		any overp	ayments This application	1805	1,840*	1805	1,640*		ation of SIR after		
☐ Charge	s fee(s) in	ndicaled	below.	except fo	r the filing	fee	1251	110	2251	55	Extension for reply	within first month		
p the apo	ve-identi	lied dep	osil acc	ount.			1252	420	2252	210	Extension for reply			
			_	LCULATE	ON		1232	120			month		<u> </u>	
	4010 =:						1253	950	2253	476	Extension for reply	within third month		
1. BA	ASIC FI	LING I Small Er					1254	1,480	2254	740	Extension for reply month	within fourth		
				Fee Descr	<u>iption</u>	For Bold	1255	2,010	2255	1.005	Extension for reply	within fifth month		
	1-7		(5)			Fee Paid	1401	330	2401	165	Notice of Appeal			
				Utility filing			1402	330	2402	165		pport of an appeal		
1002				Design filir			1403	790	2403	145	Request for orel h	• •		
				Plant filing Relasue fil			1451	1,510		1.510	Petition to Institute proceeding			
	160 2	005	80	Provisiona	filling fee		1453	110	2452	55	Petition to revive	- ungvoldable	<u> </u>	
							1452			665	Petition to revive			
		31	JBTÓTA	L (1)		(\$) 0	1453 1601	1,330 1,330		685	Utility issue fee (c			
A FV-	D 4 O 4	MA EE	EO FO	D UTU IT	Y AND R	EIGGIIE			2502	240	Design Issue fee		<b>——</b>	
Z. EXII	KA CLA	MW PE	E3 FU	Extra	Fee In		1502 1503	480 640	2503	320	Plant Issue fee			
				Claims	below	Pald			1460					
Total Claim	19	-20	• •	0	] x 🗀	= 0	1460	130		50	Pelitions to the Commissioner Processing fee under 37 CFR 1.17 (q)			
Independen Claims	'	∏ ₃	•• =	0	×	= D	1807 1806	50 180	1807		Submission of Information Disclosure			
Multiple	_				` x	0		,			Strnt Recording each :	patent assignment	-	
Dependent							5021	40	8021	40	per property (time properties)	es number of	İ	
Large En	Illity	Fee	<u>all Enili</u> Fe		Description	•	1809	770	2809	365	Filing a submissi	on after linal reject	ion	
Code	(\$)	Cod	•	, —					0000	385	(37 CFR § 1.129		<del> </del>	
1202	18	2202			ns In excess		1810	770	2610	365	examined (37 CF	nal invention to be R § 1,129(b))		
1201	86	2201				Ims in excess of 3			1					
1203	290	2203	-	** D		ent claim, if not paid pendent claims over	1801					ued Examination (RC	)E)	
1204	86	2204		a origi	nal patent		1802	2 900	l 180	2 900	Request for expédited examination of a design application			
1205 18 2205 9 "Raissue datina in excess of 20 and over original patent								Other fee (specify) Terminal Discistmer 110						
SUBTOTAL (2) (\$) 0								"Reduced by Bask Filing Fee Paid SUBTOTAL (3) (\$) 110					110	
"or number previously paid, if greater, For Reissues, see above									, 2000					
											Con	plete (if applicable)		
SUBMIT	TED BY					Registration No.		$-\tau$			1			
	D-1-0/T1			avaland is		(Attorney/Agent)			35,106		Tetephone	(720) 931-3000		

Signature

Warring: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidenkelity is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including publicancy, preparing, and automating the completed application form to the USPTO. Time will vary depending upon the individual sees. Any commands on the amount of time you require to complete life form and/or suggestions for reducing this burrier, should be sent to the Chief Information Officer, U.S. Palent and Tradement Office, U.S. Department of Connerce, P.O. Box 1450, Alexandria, VA 22313-1450.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO; Commissioner for Patenter, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-785-9199) and select option 2.